

Introduced by Senator Vincent

February 21, 2006

An act to amend Section 19517 of the Business and Professions Code, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1381, as introduced, Vincent. Stewards: overruled decisions: evidence.

Existing law authorizes the Horse Racing Board to overrule a decision of a steward if, among other things, new evidence of a convincing nature is produced.

This bill would qualify the use of that new evidence to evidence that is relevant to the proceeding, that existed before the steward made the decision, and that was not possible to present before the decision was made.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19517 of the Business and Professions
2 Code is amended to read:
3 19517. (a) The board, upon due consideration, may overrule
4 any steward's decision other than a decision to disqualify a horse
5 due to a foul or a riding or a driving infraction in a race, if a
6 preponderance of the evidence indicates any of the following:
7 (1) The steward mistakenly interpreted the law.
8 (2) New evidence of a convincing nature is produced, *but only*
9 *if it is relevant to the proceeding, existed before the steward*
10 *made the decision, and it was not possible, with the exercise of*

1 *reasonable diligence, to present that evidence to the steward*
2 *before the decision was made.*

3 (3) The best interests of racing and the state may be better
4 served.

5 (b) However, any decision pertaining to the finish of a race, as
6 used for purposes of parimutuel fund distribution to winning
7 ticket holders, may not be overruled. Furthermore, any decision
8 pertaining to the distribution of purses may be changed only if a
9 claim is made in writing to the board by one of the involved
10 owners or trainers, and a preponderance of the evidence clearly
11 indicates to the board that one or more of the grounds for protest,
12 as outlined in regulations adopted by the board, has been
13 substantiated. The chairperson of the board may issue a stay of
14 execution pending appeal from a steward's decision if the facts
15 justify the action.